



Security Council

Sixty-sixth year

Provisional

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Wednesday, 7 December 2011, 11 a.m.
New York

<i>President:</i>	Mr. Churkin	(Russian Federation)
<i>Members:</i>	Bosnia and Herzegovina	Mr. Barbačić
	Brazil	Mrs. Viotti
	China	Mr. Yang Tao
	Colombia	Mr. Alzate
	France	Mr. Bonne
	Gabon	Mr. MOUNGARA MOUSSOTSI
	Germany	Mr. Berger
	India	Mr. Vinay Kumar
	Lebanon	Mr. Assaf
	Nigeria	Mr. Onowu
	Portugal	Mr. Cabral
	South Africa	Mr. Mashabane
	United Kingdom of Great Britain and Northern Ireland	Ms. Hendrie
	United States of America	Mr. DeLaurentis

Agenda

The situation in Burundi

Report of the Secretary-General on the United Nations Office in Burundi
(S/2011/751)

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The meeting was called to order at 11.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

Report of the Secretary-General on the United Nations Office in Burundi (S/2011/751)

The President (*spoke in Russian*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Burundi to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Ms. Karin Landgren, Special Representative of the Secretary-General and Head of the United Nations Office in Burundi, to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Paul Seger, Permanent Representative of Switzerland, in his capacity as Chair of the Peacebuilding Commission's country-specific configuration for Burundi, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2011/751, which contains the report of the Secretary-General on the United Nations Office in Burundi.

I now give the floor to Ms. Landgren.

Ms. Landgren (*spoke in French*): Since I last reported to the Security Council, in May (see S/PV.6538), there has been progress showing that Burundi is carrying forward its peacebuilding efforts largely as we had hoped. There have also been developments that could jeopardize that progress and a long-term socio-economic outlook rife with challenges.

The massacre of 39 people on 18 September at a bar on the outskirts of Bujumbura reminded many people of Burundi's painful past. The following morning, the United Nations and the international community were invited to join President Nkurunziza in visiting the site of the devastating attack, where 23 corpses still lay. On 18 October a commission of inquiry presented its report to the country's Prosecutor.

The 21 people arrested after the attack were indicted last month, and the six accused of planning the attack have been charged with crimes against humanity.

The defence has challenged several aspects of the trial's procedure, including alleging that counsel had no access to their clients or to the report of the commission of inquiry. The trial will be closely followed and will be a decisive test of the independence and impartiality of Burundi's judicial system. Nevertheless, I want to emphasize that the attack was fundamentally an isolated incident and that the security situation in the country remains generally calm.

The past six months have seemed to point the way towards normalization of relations between the Government and the extra-parliamentary political parties. The Government often expressed its willingness to engage in dialogue, as realized by the First Vice-President in the launching of quarterly meetings with the registered political parties. The Alliance démocratique pour le changement-Ikibiri did not participate in those meetings. I encourage the Government and the parties to tirelessly pursue efforts at dialogue.

The prospects for normalizing relations between the Government and the extra-parliamentary opposition were overshadowed by the arrests and, above all, the assassinations of members of some of those parties, as well as by reliable information about recruitment, organization and paramilitary training carried out by members of certain opposition groups and parties. All Burundian political stakeholders should be encouraged to demand an end to assassinations and disassociation from armed groups.

For a country still emerging from many years of conflict, Burundi should be commended for the relative political freedom in the context of its post-transition Constitution. There is now a need to ensure that there is no backsliding with regard to the political space, including as a result of harassing the media and civil society.

The country's future is reflected in Burundi's one-year presidency of the East African Community, which culminated in the holding of a summit in Bujumbura on 30 November that was marked by optimism, hope and determination. Burundi was commended for its contribution to expanding integration through the implementation of the protocol

on a common market and the progress made in the discussions on a single currency and political federation. The debate was characterized by that vision for expanded integration and by Burundi's attachment to an increasingly dynamic East African Community. That provides an opportunity to strengthen the country's stability and democratization.

Nevertheless, for many Burundians the East African Community remains an elusive concept. Burundi's capacity to benefit from it still needs to be strengthened. The United Nations Office in Burundi (BNUB) is endeavouring to continue its support to the Government so as to enable it to move ahead with its integration process.

Allow me once again to take this opportunity to commend the important role played by Burundi, despite its own challenges, to strengthen peace and security in the region. In the context of the African Union Mission in Somalia, Burundi has deployed many troops to Somalia and has experienced tragic losses.

Burundi has made significant progress this year in the area of transitional justice. A technical committee was established in June to consider Burundi's commitments and international practice in that area, as well as to develop a draft law and budget on a truth and reconciliation commission. The committee presented its report to President Nkurunziza on 18 October. On 19 November, Mr. Laurent Kavakure, current Minister for Foreign Affairs and International Cooperation and former Chair of the committee, formally transmitted that report to me.

The report's main purpose concerns the draft law. As a whole, it reaffirms the fundamental principles of the truth and reconciliation commission. It reiterates the principles of commission's independence and impartiality, clearly states that the commission will not be a judicial mechanism and charges the commission with identifying all violations and crimes. Nevertheless, it states that the work of the commission should not prejudice the competencies of the special tribunal.

Some provisions do not reflect the recommendations of the national consultations on transitional justice concluded in 2010. The report proposes a truth and reconciliation commission made up solely of Burundians, while the national consultations recommended a commission composed of both Burundians and non-Burundians. Those

consultations also recommended that the recruitment panel be made up of representatives of the Government, civil society and the United Nations — something not provided for in the draft law.

I commend the collaboration between the Government and the United Nations system that marked the preparatory phase, during which we provided experts along with material and logistical support. A positive solution to outstanding issues will serve to strengthen the confidence of the international community, which will make it possible for it provide its full support and the necessary resources for this long-awaited process to allow Burundi to take responsibility for its past. We look forward to continuing our engagement with the Government and other partners in order to arrive at a process that closely adheres to international standards.

(spoke in English)

The National Independent Human Rights Commission, established through a law consistent with the Paris Principles, is another noteworthy achievement of 2011. Since its members' swearing-in, in June, the Commission has gotten straight to work. This comes at a time of continuing human rights challenges in Burundi. In recent months, several prominent members of Burundi's dynamic community of human rights defenders have been summoned before the Prosecutor's office in the Bujumbura Mairie for questioning, as have representatives of civil society and the media. Lawyers, too, have faced imprisonment. An independent media, civil society and judiciary have important roles to play in peace consolidation. I am concerned that those roles are being constrained.

The consolidation of peace in Burundi also remains marred by politically motivated killings. Since the report (S/2011/751) of the Secretary-General was prepared, BNUB has documented a further 11 cases of suspected extrajudicial killings, bringing the number of cases documented by the mission to 57 for the period 1 January to 30 November. It is the firm expectation of the United Nations that the Government will take quick and decisive measures to prevent killings linked to its own agents and to investigate and punish those responsible.

Many of those concerns have already been raised in the 31 May report (A/HRC/17/50) by the former independent expert on the Human Rights situation in Burundi, Mr. Fatsah Ouguergouz, who recommended

that the Government take all necessary steps to bring to justice the members of the defence and security forces, as well as any other persons suspected of having perpetrated gross human rights violations. The independent expert also urged the Government to pursue and enhance its efforts towards the strengthening of the judiciary, including the recruitment and independence of magistrates. The United Nations will continue to extend full support to all such efforts, and to encourage the enhancement of national investigative efforts through the routine conduct of autopsies and the use of forensic investigations.

As the Council is well aware, those developments are unfolding against a backdrop of extreme poverty. The report before the Council sets out a snapshot of those privations, which are exacerbated by high population density and youth unemployment. The nexus between land pressure and population growth is a particular concern. While Burundi has made significant gains in school education, it has fallen behind in achieving the Millennium Development Goals for poverty reduction, gender equality, maternal and child mortality, access to safe drinking water, undernourishment and the prevalence of HIV/AIDS. Burundi's physical, economic, social and legal pressures must be addressed and managed so as to reinforce, and not undermine, the consolidation of the country's hard-won peace.

Burundi is in the final phase of completing its second poverty reduction strategy, which offers a systematic basis from which the country, with its partners, can address its economic and socio-political challenges. The Government, the United Nations, the World Bank and the Peacebuilding Commission are working together to shape a partners' event for 2012 that will be an opportunity to showcase the good progress made and to attract both aid and investment.

As we anticipate that positive evolution, continued strong regional engagement will be required, as well as a common approach among partner Governments, regional organizations and the United Nations, in our support of Burundi's peace consolidation and economic development efforts.

As the report of the Secretary-General indicates, we have had a smooth and efficient transition from the former and larger mission, the United Nations Integrated Office in Burundi, to our new light footprint

in BNUB. This remains an integrated mission, albeit with a structure intended to facilitate the eventual transition to a United Nations country team presence.

BNUB has worked on draft benchmarks to prepare the way for this transition. Let me mention briefly the principal benchmarks which are being developed.

On Burundi's democratic process, we would expect to see continuing progress in the resolution of political differences through dialogue and engagement. On the country's security and stability, we should expect a security structure and related democratic oversight enabling Burundi to respond effectively to domestic and international security concerns while respecting global norms and rights. We anticipate continuing progress in transitional justice. We foresee legitimate, democratic and accountable institutions, from the national to the local levels. We look for an increasingly independent, accessible and credible justice system and a deepening culture of promoting and protecting human rights.

I look forward to reporting to the Council on these proposed benchmarks in greater detail.

When this mission phases out, it will be important for the United Nations and other partners to continue to give support to strengthening national institutions. Our priority now is to have a common vision for this within the mission and the United Nations country team and to anchor these elements within the work of the team.

Meanwhile, there is good collaboration among us, including on a number of projects such as a programme funded through a \$9.2 million contribution from the Peacebuilding Fund, to support the sustainable socio-economic reintegration of marginalized populations in three provinces bordering the Democratic Republic of the Congo. We continue to search for additional funding for this vital sector to cover other provinces where the needs are equally pressing.

I would like to take this opportunity to welcome Burundi's new Permanent Representative to the United Nations in New York, Ambassador Herménégilde Niyonzima, and also to thank outgoing Permanent Representative Ambassador Zacharie Gahutu for the good cooperation we enjoyed.

The road out of past violence is long and difficult, as the world knows. In 2012, Burundi is

expected to take further strides along that road by initiating a formal process of truth, reconciliation and justice. It is understood that this process must be an inclusive one. Further ahead lie the 2015 elections, which President Nkurunziza recently called on all political actors to start preparing for. In addressing the continuing challenges of peace consolidation and development, Burundi's Government and people deserve our continued commitment and strong support.

The President (*spoke in Russian*): I thank Ms. Landgren for her briefing.

I now give the floor to Mr. Paul Seger.

Mr. Seger (*spoke in French*): Allow me at the outset to thank you, Sir, for having invited me to speak in my capacity as Chair of the Burundi configuration of the Peacebuilding Commission (PBC).

I returned from a weeklong visit to Burundi in late October, and my impressions in the field largely confirmed the assessment and analysis contained in the outstanding report of the Secretary-General (S/2011/751) and in Ms. Karin Landgren's briefing. The country has indeed achieved some progress in various fields, including the establishment of the National Independent Human Rights Commission, which Ms. Landgren just spoke of, the establishment of an Office of the Ombudsman; and by continuing with the transitional justice process.

I was particularly impressed by the President of the National Independent Human Rights Commission and the Ombudsman, who, through their commitment and integrity, are contributing to improve the functioning of institutions, good governance and respect for human rights. Such institutions are important to bolstering confidence between the people and the authorities.

However, the various contacts that I had with several representatives of civil society, State institutions and representatives of the international community on the ground confirmed the observations made in the report of the Secretary-General to the effect that considerable challenges remain on the path to peacebuilding.

In my view, the three major obstacles to be overcome are the socio-economic situation, the political gulf between the Government and the extra-parliamentary opposition, and, linked to this, the human rights situation. As the report of the Secretary-

General lists those shortcomings in detail, I shall not repeat them here in order to save time. I merely wish to say that I share his views.

This shows, in my opinion, that the bases for the cooperation between the Commission and the Government of Burundi, upon which we reached agreement, as noted in the April 2011 document of which I spoke during my previous briefing last May, remain valid. However, given the developments in the situation and the wishes of the Government of Burundi, the PBC in future will place a heavier accent on resource mobilization so as to implement the country's poverty reduction strategy.

Indeed, the integration into society of groups affected by conflict enables them to live in dignity and also minimizes the risk of former combatants taking up arms once again and returning to violence because of a lack of alternatives. This is particularly true in the case of young people, among whom the unemployment rate remains very high. Work would not only give them a sense of purpose in life but also the feeling of being an integral part of society. In that respect, socio-economic integration is a key pillar of peacebuilding.

I was particularly struck by the case of an 18-year-old, a former Forces nationales de libération combatant, who created a rice-producing association jointly with local women with support from the PBC Fund. That association made a profit of \$7,000, which is a small fortune in Burundi, and is continuing with that project. We must replicate such projects, but the country cannot do this alone, without international support.

The Peacebuilding Fund has recently, as Ms. Landgren noted, additionally disbursed nearly \$10 million to support such projects, and my most sincere thanks go to the Fund for that decision. But although that contribution is welcome, it is not nearly sufficient to meet demand. As Ms. Landgren stated, we must find an additional \$15 million in the short term.

Here I wish to add my voice to that of the Secretary-General and the Special Representative in appealing to the international community not to forget Burundi. The Government of Burundi plans to convene international meetings in 2012 so as to mobilize funds, and the configuration itself will spare no effort in promoting the success of such endeavours.

I am well aware of the fact that the international environment is not exactly conducive to this kind of undertaking. However, given the high cost of an international peacekeeping operation, providing financial support to solidifying political and economic development in a country emerging from conflict would be considerably less expensive and more economical than a major operation. Key partners such as the World Bank, with which I have already met three times, and the African Development Bank, with which I met recently in Tunis, are ready to work with the PBC to support the economic recovery of Burundi.

The economic and social progress that Government is rightly seeking for its people will not be sustainable in the absence of the rule of law and stable, reliable institutions. The Arab Spring has shown us to what extent peace, human rights and economic and social development are interdependent.

Like the Secretary-General, I urge the Government of Burundi to ramp up and speed up its efforts in connection with political dialogue, respect for human rights and good governance. I call in particular on the Government to allow opposition parties that are not represented in the Government, human rights defenders and journalists to carry out their activities freely, with respect for the law, without fear of being intimidated, threatened or physically attacked.

Reports indicating that opposition members have been detained or even arbitrarily killed by the forces of law and order are worrisome and are a blot on Burundi's image as a democratic, peaceful country. It is in the interest of the Government of Burundi that such cases be addressed with seriousness and objectivity and that the perpetrators be brought to justice.

I also call on the opposition to abandon its empty-chair policy, unequivocally distance itself from all forms of violence and participate constructively in political debate in the interests of the country. Like the Secretary-General, I hope that the forthcoming elections, scheduled for 2015, will allow all parties to participate freely and equally. The elections will not only be important for Burundi; I believe that they will provide a assessment of our own endeavours to build peace.

Every time I visit Burundi I am quite impressed by the richness and human quality of the country. Its

people deserve a better future, and as a country configuration we are ready to contribute to that. Based on the reactions I have had from many conversations, I believe that the follow-up by the PBC and my visits to the country are appreciated. They are a signal to Burundians that the international community and New York have not forgotten them.

The fact that the Commission is a body made up of States gives it significant political clout. For States that give Burundi financial support, the involvement of the PBC assures them that the country is part of a structure that affords a platform for regular and institutional dialogue on all peacebuilding-related issues. The PBC's support helps complete the excellent operational work that the Special Representative and her team are doing on the ground and without which the PBC could not fulfil its mandate. I should thank her and her team sincerely for their work.

In conclusion, allow me to touch on the future of the configuration in Burundi. When I briefed the Council on 17 May (see S/PV.6538), I said that our ultimate goal is to ensure that the Commission becomes obsolete. The configuration has already begun, flexibly and gradually, to prepare for that transition. In the near future, however, as I have already said, the PBC's big challenge will be to give Burundi support in mobilizing resources for its economic and social development. In that regard, the Commission will focus its efforts on areas that are closely related to support for conflict-affected groups and the first pillar of the poverty-reduction strategy, dealing with matters pertaining to peacebuilding. After that we should be able to consider helping the country attract private investment, since, ultimately, the people of Burundi's prosperity will depend on developing its private sector. The configuration is also willing to support the national institutions that play a key role in the areas of the rule of law and good governance, such as the National Independent Human Rights Commission and the Office of the Ombudsman.

Once those tasks are completed, it will be time to take stock and decide together if and, should that be the case, how cooperation with the configuration should continue. Less intense support might be a possibility. We are in any case heading in that direction through holding meetings more often within the steering group rather than convening the entire configuration. I would like to thank warmly some of the countries represented here in the Council that are

especially active in the steering group, particularly some African countries, the United Kingdom and China and others. Their efforts have been extremely important and very much appreciated.

As the Council will have noted, we still have work to finish. I am ready to roll up my sleeves and throw myself into those tasks as long as the Government continues to show its interest and political resolve to continue along this path with the Commission.

The President (*spoke in Russian*): I thank Mr. Seger for his briefing.

I now give the floor to His Excellency Mr. Adolphe Nahayo, Director-General of Regional and International Organizations at the Ministry of External Relations and International Cooperation of Burundi.

Mr. Nahayo (Burundi) (*spoke in French*): Allow me, first of all, to convey greetings to the Council from His Excellency Mr. Laurent Kavakure, Burundi's new Minister for External Relations and International Cooperation. He would have liked to be here in person to take part in the presentation of this first report (S/2011/751) on the United Nations Office in Burundi (BNUB), but the Government entrusted him with another mission at the last minute. He asked me to share the following statement with the Council.

The Government of the Republic of Burundi is grateful to the Security Council for agreeing to maintain its political partnership with Burundi through the United Nations Office in Burundi after the 2010 elections. The Government of Burundi is also grateful to the Secretary-General for his efforts, and in particular those of the Department of Political Affairs, which appointed an effective team for Burundi, led by Ms. Karin Landgren. The Special Representative and her team have conducted the transition from the United Nations Integrated Office in Burundi to BNUB successfully and on time. We commend them for that. Nor should we forget to mention the Burundi configuration of the Peacebuilding Commission (PBC), which has continued to support us in our efforts to find solutions to the remaining challenges to peace in Burundi.

Our thanks are also due to the Assistant Secretary-General in charge of the Peacebuilding Support Office, whose commitment to peace in

Burundi mobilized more than \$9.2 million in additional funds for consolidating the gains made in reintegrating conflict-affected populations, particularly in Bubanza, Cibitoke and Bujumbura Rural provinces, and for extending reintegration operations to other provinces.

The Secretary-General's report on BNUB assesses the implementation of resolution 1959 (2010) by both Burundi and BNUB. In that regard, the Government is grateful to the Secretary-General and his Special Representative for their understanding of the true worth of the progress that has been made in the various areas addressed by the resolution. Those include, in particular, the Government's adoption of a national strategy on good governance and its fight against corruption; its review of national defence and security policy; the effective establishment of the National Independent Human Rights Commission and of the successful start of the activities of the Office of the Ombudsman, as well as the preparation of mechanisms for dealing with transitional justice. The Government has already informed the High Commissioner for Human Rights in Geneva that those mechanisms will begin to be set up in January 2012.

The State Inspector General has already lodged 11 complaints with the Public Minister in 2011. The resolution and closure of those cases will enable the Treasury to recover more than 20 billion Burundi francs for damages suffered since 2007 — almost \$20 million — a quarter of which has already been returned to the State's coffers. The Government of Burundi again expresses its gratitude for the contribution of the United Nations and its other partners in obtaining those results and in ensuring that their ownership has been assumed by other national stakeholders, in this case by Parliament, civil society and the media.

At the same time, the Government should be allowed to explain why some results are yet to be achieved despite its efforts and goodwill. The report refers to extrajudicial executions and torture. The Government would like to recall that the continuing armed violence in Burundi is the result of several factors. The first is the presence of illegal firearms. Despite the efforts to disarm civilians, the Government realized during the pacification campaign in Bujumbura Rural province that stocks of arms still existed in the country — the legacy, unfortunately, of the last rebel movement to rejoin the peace process. Moreover, the porosity of our borders exposes the

country to illegally trafficked arms entering from neighbouring countries because of banditry or rebellions.

Such armed violence may be related to score-settling among former combatants, landownership disagreements, clashes between armed bandits and police or attacks on innocent civilians by armed groups. At any rate, when those presumed guilty are law-enforcement officers, the Minister of Public Security deals with them severely. The 31 October report on security in Burundi gives all the details on that situation and states, in page 24, that 223 police officers have been arrested for involvement in armed violence. The Mission of Burundi in New York will provide that report to all delegations in New York.

Furthermore, the Government has undertaken, on the basis of the results of peacebuilding, brainstorming on lasting reform of the defence and security bodies. Planning for eight years with respect to the National Defence Force, and for ten years for the national police, the Government wants to make these agencies the guarantors of peace, the rule of law and territorial integrity, but also the driving forces for development.

With respect to justice and the rule of law, the Government is not the only party responsible for the slow pace of the judiciary bodies. Today we see repeated requests for hearings from partners in the justice system so that they can gather all their witnesses or build their cases. One also must acknowledge that due to the failure by certain partners to meet financial commitments, the Government has not had sufficient resources to be able to appropriately complete some of the cases, particularly when the sad events follow one after another very quickly, such as the case of Rukoko or that of Gatumba. Let us not lose sight of the fact that Burundi is a post-conflict country. Once again, the Government would like to reassure its partners that the cases pending before the courts will be brought to a conclusion.

With respect to freedom of expression and of assembly, the Government of Burundi respects those principles. But that does not prevent it from ascertaining compliance with the law by private associations or the press, particularly when the latter advocate violence or civil disobedience, or even outright disinformation. Again, the report of 31 October 2011 on security in Burundi confirms, on

pages 27 to 29, that part of civil society and certain press organs have deviated from those principles.

The report refers to the absence of dialogue between the Government and the extra-parliamentary opposition. On this subject, the Council would agree that lack of dialogue is not due to the Government. His Excellency the President of the Republic issued an appeal to opponents in exile to return to the country to take part in dialogue, and the First Vice-President invited the opposition to join in dialogue. In both cases, those partners have rejected the calls outright and instead have called for negotiations like those of Arusha — as if there were no legitimate power in Burundi. It is regrettable to hear certain opposition leaders justify the paths of violence advocated in certain statements made under cover of anonymity.

The Government will continue to extend its hand for political dialogue, but it will not cease its steps aimed at implementing Vision 2025. Through this Vision the Government wants to make Burundi a country of the rule of law, where social cohesion reigns, a country that is economically prosperous, with population growth under control. It wants to ensure effective management of its patrimony in terms of land and of its urbanization, a nation well integrated into the East African Community.

In this framework, Burundi is completing the drafting of the second version of its Strategic Framework for Growth and the Fight against Poverty — CSLP II — which is based on four strategic axes: strengthening the rule of law, consolidating good governance and promoting gender equality; transforming the Burundi economy to ensure sustained growth and job creation; improving the accessibility to and quality of basic social services and strengthening the foundation of the social safety net; and management of the area and the environment in harmony with sustainable development.

Without waiting for the implementation of CSLP II, the Government has already reformed the land code and strengthened the actions of the national commission on land and other property in order to manage current land conflicts. It has launched the village management policy in order to free up some arable land and has undertaken sustainable reintegration of populations affected by conflict.

His Excellency the President of the Republic of Burundi launched the campaign to control population

growth, because the Government recognizes the constraints that population growth imposes on development. It is currently updating its national gender policy to ensure that gender equality will boost development

During this month of December, Bujumbura will be the venue for the national forum on food security.

The Government of the Republic of Burundi has already requested the United Nations and all friendly countries to support the implementation of these programmes for recovery now under way and those

that will be defined on the basis of the CSLP II to consolidate the gains that have been set out in the report of the Secretary-General so that Burundi can address the continuing challenges it faces. Long live international cooperation.

The President (*spoke in Russian*): I thank Mr. Nahayo for his statement.

There are no more names on the list of speakers. I now invite Council members to informal consultations to continue our discussion on this issue.

The meeting rose at 11.45 a.m.